

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION**

VIR2US, INC.	)	
	)	
Plaintiff and Counterclaim Defendant,	)	C.A. No. 2:15-cv-162-HCM-LRL
	)	
v.	)	
	)	
INVINCEA, INC., and	)	
INVINCEA LABS, LLC	)	
	)	
Defendants and Counterclaim Plaintiffs.	)	

**DECLARATION OF NATHAN K. CUMMINGS IN SUPPORT OF INVINCEA, INC.  
AND INVINCEA LABS, LLC'S OPENING CLAIM CONSTRUCTION BRIEF**

I, NATHAN K. CUMMINGS, an attorney licensed to practice in the Commonwealth of Virginia and admitted to practice before this Court, declare under penalty of perjury as follows:

1. I am a partner at the law firm Cooley LLP, counsel for Defendants Invincea, Inc. and Invincea Labs, LLC (collectively, “Invincea”) in the above-captioned matter. I declare that I have personal knowledge of the facts contained in this declaration, that the following statements are true to the best of my knowledge, information, and belief, and that if called upon to testify, I could and would testify competently thereto. I make this declaration in support of Invincea’s Opening Claim Construction Brief.

2. Attached as Exhibit A is a true and correct copy of U.S. Patent No. 7,392,541 granted on June 24, 2008 and issued to Vir2us, Inc.

3. Attached as Exhibit B is a true and correct copy of U.S. Patent No. 7,536,598 granted on May 19, 2009 and issued to Vir2us, Inc.

4. Attached as Exhibit C is a true and correct copy of U.S. Patent No. 8,839,422 granted on September 16, 2014 and issued to George Mason Research Foundation, Inc.

5. Attached as Exhibit D is an excerpted copy of Microsoft Computer Dictionary (5th ed. 2002).

6. Attached as Exhibit E is an excerpted copy of Newton’s Telecom Dictionary (16th ed. 2000).

7. Attached as Exhibit F is an excerpted copy of the Modern Dictionary of Electronics (6th ed. 1990).

8. Attached as Exhibit G is an excerpted copy of the IEEE Standard Dictionary of Electrical and Electronics Terms (6th ed. 1996).

9. Attached as Exhibit H is an excerpted copy of the McGraw-Hill Dictionary of Scientific and Technical Terms (5th ed. 1994).

10. Attached as Exhibit I is an excerpted copy of the Collins English Dictionary (3rd ed. 1994).

11. Attached as Exhibit J is an excerpted copy of U.S. Provisional Application No.

61/221,749 filed on June 30, 2009.

12. Attached as Exhibit K is a true and correct copy of an article titled “Efficiently Tracking Application Interactions using Lightweight Virtualization,” by Yih Huang, *et al.*

13. Attached as Exhibit L is a true and correct copy of Vir2us’s Preliminary Invalidity Contentions dated November 23, 2015 (exhibits 1 – 4 have been omitted).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed this 23rd day of December, 2015, at Reston, Virginia.

/s/ Nathan K. Cummings

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 23, 2015, I electronically served the foregoing

**Declaration of Nathan K. Cummings in Support of Invincea, Inc. and Invincea Labs,  
LLC's Opening Claim Construction Brief** on the following:

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